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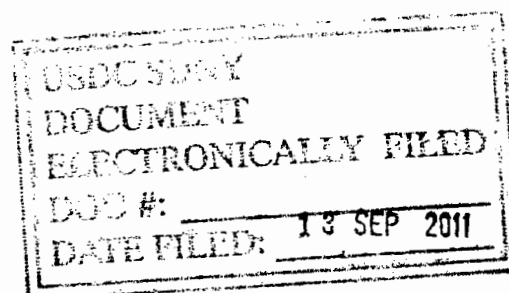
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VIA FACSIMILE

September 13, 2011

Honorable Laura Taylor Swain, U.S.D.J.
United States District Court
Southern District of New York
40 Centre Street, Room 1205
New York, NY 10007-1581



Re: SEC v. Amerindo Investment Advisors, Inc., et al.
05-CV-5231 (LTS) (S.D.N.Y.)

Dear Judge Swain:

I am writing in response to the September 12, 2011 letter to Your Honor from Robert Leinwand, counsel for Alberto Vilar. While I do not represent a party in the pending action, I do represent Paul Marcus, one of the principal shareholders in Amerindo Technology Growth Fund, Inc., and thus, one of the principal victims of the fraud of which Messrs. Vilar and Tanaka have been convicted. In that capacity, Your Honor has previously granted me the right to participate in pre-trial conferences held before you in the SEC case, and I have done so along with Mr. Marcus himself.

In his letter, Mr. Leinwand asks for an adjournment of the conference now scheduled before Your Honor for tomorrow afternoon, September 14, at 2:00 p.m. We strenuously oppose that request, which comes just two days before a conference that has been scheduled since July.

The only ground that Mr. Leinwand asserts in support of his request for an adjournment is that Mr. Vilar's counsel in the criminal case pending before Judge Sullivan "has advised that she will be able to focus" on this matter only after September 20. First, it is important to note that Vivian Shevitz, the lawyer in question, does not represent any party in the matter before Your Honor, and has not been given permission to participate in conferences in this case. Moreover, and more importantly, I respectfully submit that what every body seems to

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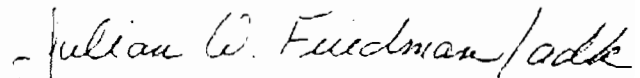
be ignoring are the interests of Mr. Marcus and the other victims of the fraud of which the defendants in the criminal case have been convicted.

As the Court is aware, there have been numerous prior adjournments of this conference, and counsel in this matter have not personally appeared before the Court since December of last year. As I have urged in prior letters to Your Honor, I respectfully submit that the Court should hold the conference scheduled for tomorrow in order to receive an in-person report from counsel regarding the status of the discussions with Messrs. Vilar and Tanaka.

Moreover, I do not understand why criminal counsel for Mr. Vilar is a necessary participant in the conference, and Mr. Leinwand's letter provides no support for his conclusory statement to this effect. The bulk of the assets at issue consist of cash and marketable securities that belong to funds that were managed by Amerindo Investment Advisors, Inc. We do not believe that Messrs. Vilar and Tanaka have any claim to those funds, since we do not believe that they own shares in the entities to which the invested assets actually belong. If it is true, as we believe, that Messrs. Vilar and Tanaka do not have any claim to the underlying assets, then their consent should not be required as a prerequisite to any distribution.

For this reason, the withholding of consent by Messrs. Vilar and Tanaka should not be permitted to block or delay this Court's disposition of the assets in question. If nothing can be done until a settlement is reached with Mr. Vilar and Mr. Tanaka, their continued delays will give them the right to deny payment to individuals who have already suffered as a result of their conduct. To minimize this likelihood, I respectfully request that the Court bring its considerable influence to bear on everyone concerned in order to achieve justice as quickly as possible.

Respectfully submitted,


Julian W. Friedman

JWF:en

cc: Mark D. Salzberg, Esq. (by email)
Sharon Levin, Esq. (by email)
Robert Leinwand, Esq. (by email)
Gary Alan Tanaka (by U.S. mail)
Eugene F. Hestres-Velez, Esq. (by email)

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Honorable Laura Taylor Swain, U.S.D.J.

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FROM: Julian W. Friedman

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